

(2020) 01 PAT CK 0014

In the Patna High Court

Case No : Criminal Miscellaneous No. 80096 Of 2019

Lakshaman Mahto And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 06-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 324, 341, 354, 379, 504, 506
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 01 PAT CK 0014

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Pradhan Murli Manohar Prasad, Raju Kumar Goswami, Binod Kumar

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend arrest in connection with Maniyari PS Case No. 169 of 2019 dated 25.06.2019 instituted under Sections 341/323/324/307/379/504/506/34 of the Indian Penal Code.
3. The allegation against the petitioners is of assault and taking away of gold chain worth Rs. 20,000/- and specifically against petitioner no. 1 of inflicting injury by kudal on the head of the informant.
4. Learned counsel for the petitioners submitted that the parties are agnates and there is land dispute between them. It was submitted that for the same incident, petitioner no. 1 has also lodged Maniyari PS Case No. 153 of 2019 dated 14.06.2019 against the informant of the present case and 10 others under Sections 341/323/324/307/379/354/504/34 of the Indian Penal Code. It was submitted that the present case is a count blast to the said case. It was further submitted that the petitioners have no criminal antecedent and most importantly no injury report had been produced by the informant's side in the present case.

5. Learned APP submitted that there is specific allegation of blow by kudal on the head of the informant by petitioner no. 1. However, with regard to other petitioners, learned counsel did not controvert that the allegation is general and omnibus, except for snatching of gold chain worth Rs. 20,000/- from the neck of the wife of the informant by petitioner no. 5.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioners no. 2 to 5 namely Ravi Kumar; Suman Kumar; Abhishek Kumar and Nirmala Devi respectively be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Muzaffarpur in Maniyari PS Case No. 169 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. Prayer for anticipatory bail of petitioner no. 1 stands rejected.

8. The application stands disposed off in the aforementioned terms.